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THE PASTON LETTERS.

The letters of the Paston family have, for some time, been recognized as original authorities of the highest value to students of English history. They possess also a special significance to one who would trace the development of those classes of Englishmen who settled America. The correspondence covers the period from 1419 to 1506. The English in which the letters are written is more modern than that of Chaucer, and grows more intelligible as the dates of the letters grow nearer to our own time. Still, it is the English used in ordinary epistolary prose, and its orthography varies with the mood of the writer. It requires a little experience to follow the irregularities of a person who writes "physshed" for "fished," and who uses in the same letter the words "hyt," "hit," "itt," and "it" with interchangeable signification. But the peculiar forms, which at first repel, soon arouse an interest which brings a smile even while it instructs.

Very little remains of the prose which was written during this troubled period, and these letters, while extremely valuable to one who studies the language, are even more so to him who wishes to learn of social conditions, of dress and manners, of armor, weapons and methods of warfare, and of the active practice of law and conduct of litigation at a time when Littleton was at the bar, and when the ancient doctrines so perplexing to modern students were all very real and practical.

We owe the existence of this great collection to a family custom, the beginning of which was due to the character of John Paston, a lawyer and country gentleman of Norfolk. He had found documentary evidence so useful in his law suits that he seems to have carefully preserved all of the letters which he received, and copies of those which he wrote to others. After his death his widow, Margaret,

wrote thus to their son, Sir John Paston ; “Your fader, in hys trobyll seson, set more by hys wrytyngs and evydens than he dede by any of his moveabell godys.” The habit of the father was impressed upon his sons and followed until, under the Tudor kings, the fortunes of the family had advanced beyond the danger of successful attack.

Nearly every letter forms some link in the history of this family, and there is enough of incident and adventure in the account to justify at least one reading for the story alone, while each number possesses so much individuality as to show the writer’s character through his letters and thus make him become to the reader a new and real acquaintance. Though the family rose eventually to the Earldom of Yarmouth, during the whole of this correspondence they are represented by judges, lawyers, esquires, or knights.

The class to which they belonged had no love for the great Norman lords. Their feelings were well expressed by Sir John Fastolf, who desired that his fortified castle, called Caister, should be pulled down rather than be allowed to pass into the hands of one of these oppressors. In 1465, while John Paston was confined in the Fleet prison, his enemies in the country were interfering with the possession of his lands. His wife announced to him what was passing with the words, “Men cut large thongs here of other men’s lether.” The Duke of Suffolk, about this time, made an entry upon one of Paston’s manors, and the Bishop of Norwich sent him word that he had best exhibit his title deeds to that nobleman. The reply is characteristic of that pluck which belonged to the country squires : “Item, let my lord of Norwich wit, that it is not profitable nor for the common well of gentilmen that any should be compellid by an entry of a lord to show his evidens or tytill to his land, nor I wil not begin that example ne thralldom. It is good a lord take sad counsel ere he begyn any sech matter.” When word was sent to Margaret Paston, the wife, that she had best sue to the Duke for remedy, she replied thus : “If I scholde sewe for any remedye, I sholde sewe further, and

let the kyng and all the lords of thys land to have knowleche what hathe be don to us."

This Duke of Suffolk (John de la Pole) was the son of William de la Pole, Duke of Suffolk, whose oppressive conduct had been one of the causes of the movement by the men of Kent called Jack Cade's Rebellion. This uprising was not directed against the lords of the manors, as the insurrection of the villeins seventy years before, under Wat Tyler, had been. It was made up of holders of land who had the sympathy of nearly all of the middle classes.

Robert Poynings, who afterwards married a sister of John Paston, was one of Cade's army. Among their statements of grievances was one which declared that "the king's menial servants take the poor people's lands notwithstanding their feoffments and titles." The menial servants here referred to were the great lords by whom Henry VI. was then controlled. The Dukes of Suffolk, of Somerset, and of Buckingham, had been especially obnoxious, but the same conduct characterized the Mowbrays of Norfolk and all the other members of the old Norman nobility.

The Paston Letters form the best existing account of the struggle against their rapacity by the class of country gentlemen; and the gradual change from the violence and oppression of the period immediately after the marriage of Henry VI. to the final supremacy of law and order, when the New Monarchy had been finally established under Henry VII., is here illustrated by the records of a family which saw and took part in it. This whole period is filled by an upward social movement, which began with the demands of the lower classes, during the Wat Tyler insurrection, to be freed from the degrading terms of villeinage, and did not end until the relation called copyhold had generally changed its nature, or been succeeded by leasehold tenure. The former villein then became a tenant farmer, who paid a fixed rent in money, acquired the social rank of yeoman, and was fitted by the training of the next one hundred years, for his colonization of the New World.

Many of those who had once been villeins rose later to rank and influence and therefore naturally desired to conceal the obscurity of their origin. There is some reason to believe that the Paston family exemplified such a rise. Among the papers in the collection is one, probably written by an enemy, which states that the founder of the family "was one Clement, a good, plain husbandman, who lived upon his land, yede at one plough both winter and summer, rode to mill on the bare horse back, with his corn under him; and he had five score or six score acres of land at the most, *and much thereof bond land*; and he wedded Geoffrey of Somerton's sister, which was a *bond woman*. And the said Clement had a son William, which that he set to school, and often he borrowed money to find him to school; and after that he yede to court, and there begat he much good, and was made a Sergeant and afterwards a justice and a right cunning man in the law;—"and he purchased much land in Paston, and the moiety of the manor and hath the Seignory."

The charge here elaborated may have been untrue; an investigation was made in the reign of Edward IV, and the family seem to have successfully met their detractors; but the details which are spread upon the record, would hardly have required a formal answer, if they had not possessed some verisimilitude, and if an age had not arrived in which villeins might not only become free, but rise to be lords of manors.

That the newly risen class of yeomen possessed strong passions and a high sense of independence is shown by many of the papers. On March 1, 1451, one of John Paston's agents, being unable to collect some rent due from a tenant named Wharles, undertook to distrain for it. The agent reports that—Wharles took refuge "in his moder's house and there I durst not (distrain) for her cursyng." Rents were made difficult to collect by the fact that a tenant was very likely to dispute the legality of the distress which was the only practicable method of their enforcement. The

tenant could procure a return of the distrained goods by means of a replevin writ, as Wharles threatened to do if Paston's agent succeeded in his attempt.

Not less remarkable than the familiarity of the lower class with legal forms is their general education. There are in the collection a large number of letters from persons of low degree, and in the numerous depositions, sworn to by similar persons, which were filed by John Paston or his opponents in their lawsuits, nearly every deponent styles himself "*litteratus*." It is possible that this term signifies acquaintance with Latin, but it is quite clear that a large number of yeomen possessed the ability to read and to write idiomatic English.

Knowledge of law was universal. The whole period was one of contest. It was a continual state of war between individuals. Much of this war was conducted through the courts, and the litigants were usually the country gentlemen. The common law had, ever since the reign of Edward I. been developing in the direction of a science, and it was very necessary that every one who was lord of a manor should possess a good working knowledge of it.

On February 4, 1445, Agnes Paston wrote thus to her son Edmund: "To myn welbeloved Sone, I grete you well and avyse you to thynk onis of the daie of youre fader's counseyle to lerne the lawe: for he seyde manie tymes that hosoever schulde dwell at Paston schulde have nede to conne defend himself." The correspondence is filled with terms familiar to students of institutions and law. There are Courts Baron and Courts Leet, Courts of the Hundred, County Courts and Courts of Oyer-Terminer. There is a curious account of the way in which one of the Pastons made a legal interruption of a Court Baron, by sitting beside the Steward of the opposing claimant and blotting out the record with his finger as fast as it was made. There are assizes of novel disseizin and of mort d'ancestor, bills in equity, injunctions and appointments of receivers, writs of pone, of exigent and of ravishment de garde, wagers of law and inquisitions of office found.

The device by which great families escaped some of the consequences of an attainder, by having all their land conveyed to feoffees, so as to be held to the use of the original owner during his life, and then to such other uses as he should afterwards indicate, was fully worked out and in general operation. The longest and most important legal controversy in the whole collection was that over an oral declaration of uses made by Sir John Fastolf, during his last illness, which was to serve the purpose of a will devising real property, though such wills were not allowed by statute until the reign of Henry VIII.

One of the evils of the time consisted in false verdicts rendered by juries. The only remedy for such a failure of justice was to sue out a writ of attaint against the jury which had thus violated its oath. In 1451 the town of Swaffham petitioned Parliament, alleging that Sir Thomas Tudenham, among many other wrongs, had so menaced a jury, as to force it, through fear, to render a false verdict in his favor. The petition proceeds to state that the townsmen, "for pyte and remorce of their concyencez were loth to serve a writ of attaint," and therefore prayed that the House of Lords would annul the verdict. Tudenham was the leader of a party which, under Henry VI., had dominated Norfolk and so oppressed the people that the county, during the Wars of the Roses, sympathized with the Yorkists. Tudenham was eventually put to death for his crimes, but the influences which he represented long afterwards kept the country in disorder.

Great men interfered in the lawsuits between small land owners, and *maintained* the cause of one against another. Maintenance still figures as a crime, or at least as a wrong, in the laws of most of our American states, but its place there is due, historically, in great part to the evils of the period now under discussion. These were some of the ill effects of the transition from feudal to modern conditions. In the old days the tenant had received from his lord a protection which was based upon tenure and was compensated by a re-

ciprocal obligation towards the feudal superior. A relation rooted in the soil thus bound all men together. But, in the days of the Pastons this relation had largely disappeared. It was succeeded by one founded upon contract and signified by one's wearing the livery of one's superior and appearing on public occasions as his servant. In return for this the inferior expected to receive, directly or indirectly, maintenance in his lawsuits and support in his quarrels.

During most of the period of the correspondence the Pastons were large landholders, possessing many manors, most of which they held under no superior but the king. One would naturally expect that they would struggle to maintain their position without becoming servants of anyone. A period of independence does at last arrive for them, but during many years they are dependent upon the protection of others. When the Lancastrian party is in control, the Pastons are defended by the Earl of Oxford. When the Yorkists are in power they wear the colors of the Mowbrays of Norfolk. As they own land near the boundary line between that county and Suffolk, they are often harassed by attempts at entry upon some of their manors, made by persons under the influence of the Duke of Suffolk. In defense against these attacks they rely upon the assistance of household servants of the Duke of Norfolk.

In 1450 this nobleman sent to John Paston the direction, "that ye will make you redy to awayte upon us at Ipswich, towards the Parlment, the VIII day of Novembre, in youre best array, with as many clenly people as ye may get for oure worship at this tyme; for we will be there like our estate, in our best wise, without any delay." The tone of this communication is that of a master to his servant. In August, 1485, thirty-five years later and just before the battle of Bosworth-Field, there is a letter in a different style. The then Duke of Norfolk wrote thus to another John Paston who was the son and successor of the one addressed in 1450: "Welbelovyd frend, I pray you that ye met with me

at Bery ; and bryng with you seche company of tall men as ye may goodly make at my coste and charge. Youre lover." There is much in the family history of the intervening years to throw light upon these changed relations.

Sir John Fastolf had by his will devised his castle, called Caister, to John Paston. As a fortification it was an excellent defense against foreign invaders, and as a residence it was worthy of royalty itself. In fact the Duke of Gloucester, afterwards Richard III., at one time contemplated making it his abode. While Paston was trying to establish his title in the courts, the Duke of Norfolk purchased a pretended claim to it, and sought to gain possession by force. The Pastons did not propose to yield, though the Duke was then probably the most powerful noble in England, and John Paston was his liveried servant. Four professional soldiers were sent up from London to aid in the defense. They are described as "provyd men, conning in werr and can wel schote both gonnes and cross-bowes, and devyse bolwerkys, and keep wacche and warde. They be sadde and wel advysed, saving on of them, whyche is ballyd (bald) but yit he is no brawler. Ye shall fynd them gentylmanly comfortable felowes, and that they dare abyde by ther taklyng."

Young John Paston, aided by these four and by a handful of personal friends and followers, held the castle for several weeks against a siege conducted by the Duke's army of 3,000 men. By the terms of the final surrender the besieged were allowed their lives and goods, horses and harness, and a respite for fifteen days, in which to go where they pleased. They reported that they were forced to surrender by "lak of vitayl, gonepowdyr, menys herts and surete of rescue." Edward IV. had refrained from interfering in this extraordinary contest, because the troubles with Warwick were gathering thickly about him, and the Mowbrays were too necessary to be safely offended.

The Pastons eventually recovered the castle, for at the death of the Duke no male heir survived. The title was

soon recreated in the Howard family, but in the confusion which followed the death the Pastons reëntered Caister, and thereafter retained peaceable possession of it. But before the Duke's death the correspondence shows long negotiations and many an appeal for their rights. Young John Paston had once been a page in the Duke's household, and was very devoted to his Duchess, the celebrated Eleanor Mowbray; but at last, as the negotiations failed, he writes in 1475: "I have gevyn my lady warning that I wyll do my lord no more servysse."

The Howards belonged to the new nobility. Though related to the Mowbrays, they had risen from a social rank no higher than that of the Pastons, and the relations between the two families were thereafter those of equals. There is no evidence in the correspondence that the Pastons afterwards wore the livery of any noble. Their old friend, John de Vere, Earl of Oxford, returned to power with Henry VII., and, though John Paston had probably fought for Richard III. at Bosworth-Field, his fortunes thereafter rose rapidly.

The new monarchy was one of settled government. Statutes were directed against maintenance, the custom of liveries, and the relation which this custom indicated. These statutes were rigorously enforced. The well known story of how the King levied a heavy fine upon Oxford, the man to whom of all others he owed his throne, because the Earl had collected a large number of men in his livery in order that the King might be suitably received, indicates less Henry's fondness for money than his determination to abolish the custom which had so long kept the country in disorder and built up powers which could rival those of the King.

Even before the accession of Henry VII., a considerable improvement had appeared. The Yorkist kings had represented the party of order, and during the reigns of Edward IV. and Richard III. forcible entries and the habit of attending elections "jakkyd¹ and saletted,"² and armed with "glystening bills"³ had gradually diminished.

The class of country gentlemen had the same care for social distinctions which has always characterized an aristocracy based on land ownership. Among their agents was Richard Calle, a yeoman. He was well educated and had collected their rents, managed their tenants, fought by their side, and been in daily association with them all for many years. He accumulated money, and, in his later years, became himself a land owner. While in the Paston family he and Margery Paston fell in love with each other. When Calle applied to her brother John for his consent to a marriage, the latter told him that "he should never have my good will for to make sister to sell candle and mustard at Framlynham."

But a marriage engagement had been entered into between Calle and the young lady. She was treated with great harshness by her mother, in order to induce her to deny the existence of such a contract. Her lover wrote to her: "I suppose, and ye telle them sadly the trouthe, they will not damn their soules for us,—and therefore, goode lady, at the reverence of Godde, be pleyne to them." She was afterwards cited to appear before the Bishop of Norwich and, in his presence, repeated the words that had passed between her and her lover, and stated further that if they did not make it sure, she would make it so ere she went thence: for "she thought in her conscience that she was bound whatever her words were." Her mother refused to receive her on her return from the Bishop, and her name disappears from the correspondence; except that, in her mother's will, written many years afterward, there appears a legacy, to be paid to one of the sons of her daughter, Margery Calle, when he shall arrive at the age of twenty-three years.

The general ability to read and write English, already referred to in connection with the lower classes, was not

¹ *Fack*, a quilted linen jacket.

² *Salet*, a bright helmet.

³ *Glystening bills*, highly polished pikes having a hook-shaped blade.

limited to those classes. In 1476, John Paston wrote to Lord Hastings on behalf of one Richard Stratton, who was a candidate for the position of clerk of that nobleman's kitchen. He described him as being, not only able to read and write, but well spoken in English, meetly well in French, and "very perfite in Flemyshe."

Young men of the class to which the Pastons belonged were usually sent to Oxford or Cambridge, where they seem to have been instructed by private tutors. Agnes Paston, in 1458, sent a message to the law tutor of her son Clement, praying that if the latter "hathe nought do well, nor will nought amende, he will truely *belassch* him, and so did the last mayster, and the best that ever he had, at Caumbrege." It is quite clear that students learned to use Latin with great facility. John Paston, the lawyer, made most of his memoranda and kept most of his accounts in that language. Among other items in these accounts, one often meets such as the following; "Item, uxori et pueris domi £8, 19s, 1d. Item, pueris Cantabrig, 101s."

An entry of ten shillings paid William Worcester, "*equitanti super negotia maritagii sororis*," indicates the difficulty experienced in arranging suitable marriages for young women of good families. Negotiations were conducted by the relatives with very little regard to the wishes of the lady most concerned. Her position, while unmarried, is so disagreeable that she seems by no means particular as to her future husband's personal qualities, provided she can somehow enter the state of matrimony.

During the whole period the Pastons were in the position which would now be called "land poor." They owned many manors but were very short of money. Prices, however, gradually rose. Land came to let for from forty-two to forty-eight cents (in our currency) per acre—a rent which was about double that which the villeins had demanded to have fixed by law in 1391. Wheat rose from eighteen to forty cents per bushel. The demand for wool was increasing because of the improvements in its manufacture.

In 1465 John Paston, the lawyer, during his confinement in the Fleet already referred to, wrote to his wife a request that she send him some of the finest worsted, "which is almost like silk," spun in Norfolk, in order that he might wear a doublet made of it, "for the worship" of his native county, in the presence of his fellow prisoners, among whom was Lord Percy, afterward Earl of Northumberland.

The currency of this age was based on the Norman pound (Troy) sterling of silver. This was divided into twenty parts called shillings, and each shilling into twelve silver pence. As the pound Troy at the present day produces sixty shillings, all prices reported by the Pastons must be multiplied by three in order to represent the same weight of silver in modern coinage. The noble which stood for 6s, 8d, and the mark 13s, 4d (old coinage), are denominations often mentioned in the letters.

Much of the wealth was kept invested in jewelry and in gold and silverware. The vaults of the monasteries and the parish churches were used for their safe deposit. Their principal use seems to have been to serve as securities for loans. Mortgages on real property were not very common, but the highest nobles, and even the King himself, often borrowed comparatively small sums for living expenses.

In 1451 Henry VI. borrowed money with which to keep Christmas. In November, 1449, the great Earl of Warwick wrote, asking to borrow £10 or £20, and promises "to send it you ageyn afore New Yer's day wyth the grace of God as we are trew knight." In 1452 the Duke of York pledged to Sir John Fastolf a collection of jewelry and precious stones, which Edward IV. afterward redeemed from Fastolf's legatee. The jewelry was delivered when the loan was made and was accompanied by an instrument much like a modern chattel mortgage.

The feelings generally entertained towards the Church are fairly well represented. The numerous wills indicate an undoubting belief in the value of prayers for the dead. There is frequent complaint because certain monasteries

have accepted testamentary provisions and afterwards neglected to perform the duties which they thus assumed. Margaret Paston, who was a very religious woman, advised her son not to take vows before he was twenty-four years of age. A number of sermons, found among the papers, possess the merit of brevity. Though they contain frequent quotations in Latin of texts from the Bible, they offer little practical guidance for the daily perplexities of the listeners.

There appears to have been some jealousy and a good deal of irritation on the part of Margaret Paston's sons, because of the influence the family priest exercised over their mother, but no doubt appears as to any of the doctrines then taught by the Church. The clergy took considerable part in secular affairs, acted often as executors of wills, and seem to have been quite sharp in all matters of business. They apparently preferred small parishes where their labors would be light and the emoluments sufficient to allow a life of leisure and comfort.

There is, among the papers, an enumeration of the advantages of the living of Oxnead, which might have been intended for a modern advertisement. Among other attractions, it is stated that it is an easy cure, because there are not more than twenty communicants; while the parsonage is convenient and has a dove house, two large fruit gardens, and more than forty acres of arable land, located by a river side, within two miles of a market town, and only six miles from Norwich.

The best edition of the Paston Letters is that prepared by Mr. James Gairdner of the Public Record Office. It contains a very useful introduction and its notes are a great assistance to the reader. An index which would furnish a more perfect guide to the contents of the letters than is supplied by the present one, which contains merely a list of the persons and places referred to, is all that is needed to fit the great collection for a further usefulness.

CHARLES W. TURNER.